

USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR MARKETING PURPOSES PROCEDURE

PROCEDURE:

1. A worker who desires to use protected health information to prepare or send the same communication to more than one patient must first apply, in writing, to receive authorization from the Privacy Official. The application must demonstrate either that:
 - 1.1. The communication will contain only information that fits one or more of the exceptions listed in paragraphs 3 & 4 of the policy.
2. If the Privacy Official is satisfied that the communication will comply with this policy, he or she will authorize the use of PHI for the communication. This authorization will be in writing, specifying which PHI may be used. This will include specifying data types (name, address) and types of patients (certain age, diagnosis). If the Privacy Official is not satisfied that the communication will comply with this policy, he or she will respond in writing explaining why the communication cannot be approved. If the marketing involves financial remuneration (payment whether direct or indirect) the authorization must state this fact and the amount must not be greater than the cost of making the communication.
3. Any activities meeting the definition of "Sale of PHI" must be brought to the attention of the Privacy Official for review with this policy.
4. The Privacy Official will retain all documentation under this policy for at least six years. (Note: Federal HIPAA privacy regulations do not require that this documentation be retained; however, it is recommended in order to demonstrate compliance).

REFERENCE: 45 CFR § 164.508 (a) (3)

See also: DISCLOSURE OF PROTECTED HEALTH INFORMATION TO BUSINESS
ASSOCIATES AND OTHER CONTRACTORS

AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH
INFORMATION